

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 24-42219

SILVER LAKE GOLF COURSE, INC.,

Chapter 11

Debtor.

Judge Thomas J. Tucker

/

**ORDER FOR FURTHER PROCEEDINGS REGARDING CONFIRMATION OF THE
DEBTOR'S PROPOSED THIRD AMENDED PLAN,
INCLUDING A CONTINUED CONFIRMATION HEARING**

This case came before the Court for a hearing on September 11, 2024, regarding confirmation of the Debtor's third amended plan, contained in the document entitled "Debtor's Third Amended Combined Chapter 11 Plan and Disclosure Statement" (Docket # 47) (sometimes referred to in this Order as the "Plan"). Counsel for the Debtor, counsel for the United States Trustee, and counsel for Karen and Alfred Daniels appeared at the hearing. Confirming action taken during the hearing, and for the reasons stated by the Court on the record during the hearing, and the reasons stated in this Order below, the Court enters this Order.

IT IS ORDERED that:

1. The Court will hold a continued in person confirmation hearing on the Plan, on **December 11, 2024 at 11:00 a.m.**
2. No later than November 12, 2024, the Debtor may file an amended plan and disclosure statement and/or a sale motion under 11 U.S.C. § 363. The Court may extend the November 12, 2024 deadline for good cause shown, upon a stipulation or ex parte motion for such an extension.
3. The Court finds cause, under 11 U.S.C. § 1121(e)(1)(B), to extend the exclusivity period for the Debtor to file a plan in this small business case, to November 12, 2024.
4. The Court finds that the 45 day time limit for confirming a plan in this small business case, imposed by 11 U.S.C. § 1129(e), does not apply to the Debtor's Plan, which was filed on August 2, 2024, or to any of the Debtor's earlier-filed plans, because none of the plans "compl[y] with the applicable provisions of this title" within the meaning of § 1129(e). Neither the Plan nor any of the Debtor's earlier-filed plans¹ comply with 11 U.S.C. § 1123(a)(4), which is a requirement for confirmation under 11 U.S.C. § 1129(a)(2). This is so because all of these plans failed to

¹ The Debtor's Plan now before the Court was filed on August 2, 2024 (Docket # 47). The Debtor's earlier-filed plans were filed on July 8, 2024 (Docket #38) (see treatment of Classes 4 and 8), July 19, 2024 (Docket # 40) (see treatment of Classes 4 and 5), and July 26, 2024 (Docket # 44).

provide “the same treatment for” all claims in Class 4 and “the same treatment for” all interests in Class 5. The treatment proposed for the claim and interests of Alfred and Karen Daniels in these classes is different from the treatment proposed for the other members of these classes, and to date Alfred and Karen Daniels have not agreed to such different treatment. Rather, they have objected to it. *See* Objection to Confirmation (Docket # 52) at ¶ 8, 13, 14.

Signed on September 11, 2024



/s/ **Thomas J. Tucker**

Thomas J. Tucker
United States Bankruptcy Judge